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8 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

CR 04-40148 DLJ

13 v.

STIPULATION AND ORDER TO
CONTINUE STATUS HEARING

14 JOSE CASTELLANOS,

15 Defendant.
16 _____/

Date: February 29, 2008
Time: 9:00 a.m.

17 At the request of the parties, the Court enters this order
18 (a) continuing the status hearing presently set for Friday,
19 February 29, 2008 at 9:00 a.m. to May 9, 2008 at 9:00 a.m.; and
20 (b) excluding time under the Speedy Trial Act from February 29,
21 2008, based on the following:

22 1. Defendant JOSE CASTELLANOS, who is currently free on
23 secured bond, has a pending motion to quash the search warrants
24 relevant to the indictment in the above-entitled matter, which
25 has been deferred.

26 2. The parties have engaged in and continue to engage in
27 substantive discussions to resolve this matter short of
28 litigation of motions and trial.

1 3. A status hearing is presently set for Friday, February
2 29, 2008, at 9:00 a.m.

3 4. Of the eleven individuals charged under the initial
4 indictment herein, it appears that eight have managed to reach
5 resolution.

6 5. In furtherance of settlement, defense counsel recently
7 provided the government with an evaluation of Mr. Castellanos by
8 Eugene Schoenfeld, M.D., a certified addiction specialist.

9 6. The government is reviewing the recently submitted
10 material and the parties have scheduled a meeting for April 2,
11 2008 to further discuss resolution.

12 7. The Court had previously referred the parties to a
13 settlement conference with Magistrate Larson.

14 8. The parties initially hoped to avoid involving the
15 Court if possible.

16 9. However, at this stage the parties are in the process
17 of scheduling a settlement conference approximately two weeks
18 after their April 2, 2008.

19 10. The April 2, 2008 meeting will either (1) serve as a
20 basis for a draft plea agreement; or (2) distill the positions
21 of each party to maximize the focus of the settlement
22 conference.

23 11. Accordingly, the parties agree that additional time is
24 necessary, and furthermore, believe in good faith that they can
25 resolve this matter short of litigation/trial.

26 12. Wherefore, the parties hereby request that this
27 matter be continued from Friday, February 29, 2008 **until Friday,**
28 **May 9, 2008, at 9:00 a.m.**

1 13. The parties stipulate that time is excludable from the
2 limitations of the Speedy Trial Act because the interests of
3 justice are served by granting a continuance. This continuance,
4 requested by the parties, will permit continuity of counsel, and
5 allow the reasonable time necessary for effective preparation,
6 taking into account the exercise of due diligence. 18 U.S.C.
7 sections 3161(h)(8)(A) and (B)(iv).

8 13. Time is further excluded pursuant to 18 U.S.C.
9 sections 3161 (h)(1)(F) predicated upon the defendant's pending
10 Motion to Quash, which excludes delay resulting from any pre-
11 trial motion from the filing of the motion through the conclu-
12 sion of the hearing or other prompt disposition of such motion.

13 THE PARTIES THEREFORE STIPULATE that the further status
14 hearing be continued from February 29, 2008, until 9:00 a.m. on
15 May 9, 2008, with time continuing to be excluded as specified
16 above, such that the ends of justice served by granting such a
17 continuance outweigh the best interests of the public and the
18 defendant in a speedy trial.

19 Dated: February 21, 2008
20

21 /s/ SHARI L. WHITE
22 SHARI L. WHITE
23 Attorney for JOSE CASTELLANOS

21 /s/ TIMOTHY J. LUCEY
22 TIMOTHY J. LUCEY
23 Assistant U.S. Attorney

24 **IT IS SO ORDERED.**

25 Dated: **February 27, 2008**
26

27 
28 D. LOWELL JENSEN, Judge
United States District Court